

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA §
§
vs. § Case No. 4:12cr31
§ (Judge Crone)
JOHN QUINTEN BYBEE §

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on May 29, 2014, to determine whether Defendant violated his supervised release.

On November 30, 2012, Defendant was sentenced by the Honorable Marcia A. Crone to twenty-four (24) months' custody followed by two (2) years of supervised release for the offense of Felon in Possession of a Firearm. On August 26, 2013, Defendant completed his period of imprisonment and began service of his supervised term.

On March 12, 2014, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated several mandatory and standard conditions. Violation allegation two and three were dismissed by the Government. The petition also alleged violation of the following condition: the defendant shall not commit another federal, state, or local crime.

The petition alleges that Defendant committed the following acts with regard to the remaining violation: On February 14, 2014, Defendant was arrested by the Lamar County Sheriff's Office for assault/family violence. An order of protection was granted for the victim and Defendant was notified by the Lamar County Sheriff's Office that he was prohibited from contact with the

victim. Defendant entered a plea of guilty to this offense.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violation.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-four (24) months with no supervised release to follow to be served consecutively to any sentence of imprisonment that the Defendant is currently serving. It is also recommended that Defendant be housed in the Bureau of Prisons, Forrest City Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 4th day of June, 2014.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE